

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

January 03, 2023



In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
 310 BERRY ROAD, UNIT 1007, HOUSTON,
 SOUTHERN DISTRICT OF TEXAS, AS MORE FULLY
 DESCRIBED IN ATTACHMENT "A"

Case No.

4:23-mj-0004

Nathan Ochsner, Clerk of Court

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment "A"

located in the Southern District of Texas, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 922	Felon In Possession

The application is based on these facts:

(See the Affidavit in Support of Search Warrant)

Continued on the attached sheet.

Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Joseph T. Oppedisano, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 Telephone _____ (*specify reliable electronic means*).

Date: 01/03/2023

Judge's signature

City and state: Houston, Texas

Honorable Dena Palermo, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN THE MATTER OF THE SEARCH AT
310 BERRY ROAD, UNIT 1007,
HOUSTON, SOUTHERN DISTRICT OF
TEXAS, AS MORE FULLY DESCRIBED
IN ATTACHMENT A

Case No. 4:23-mj-0004

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Joseph T. Oppedisano, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant to search the premises of a residence located at 310 Berry Road, Unit 1007, Houston, Southern District of Texas 77022 (“**Target Location**”), and to seize certain items. The **Target Location** is more specifically described in Attachment A. The items to be seized are more specifically described in Attachment B.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since July 2019. I hold a Dual Bachelor’s degree from New Jersey City University in Criminal Justice and Professional Security Studies, and prior to joining the FBI, I was a Special Agent with the Pentagon Force Protection Agency for four years. In my capacity as an FBI Special Agent, I have participated in investigations of various federal criminal violations including violent crimes, money laundering, and other complex financial crimes. I am currently assigned to the Violent Crimes Squad in the Houston Division and was previously assigned to the White-Collar squad which investigated Corporate, Securities, and Commodities Fraud. Over the years, I have conducted or participated in physical surveillances, Title III electronic surveillances,

the execution of search warrants, debriefings of informants, and attended specialized and advanced trainings related to both violent and complex financial crimes. Through my training, education, and experience, including conversations with other law enforcement officers, I have become familiar with the patterns of activity regarding aggravated robbery suspects and the methods they employ to plan, coordinate, and conduct these robberies, including the use of telecommunication devices such as cellular telephones, use of counter surveillance techniques, and the use of cryptic language, words, and references to conduct their activities. Suspects often communicate using both voice calls and message applications prior to, during, and after the execution of a robbery. This allows them to communicate and coordinate the surveillance and execution of the robbery while using multiple vehicles. Suspects will often take photographs of the commercial business and then send those photographs to other suspects involved with the theft. Suspects often take photographs of the stolen currency or property and then share these photographs with other suspects or associates.

3. The facts in this affidavit are based upon my personal observations, investigation, public source and business records, and information provided to me by persons who have knowledge of the facts, including other persons involved in this investigation, hereafter the Investigative Team. Because this affidavit is submitted for the limited purpose of establishing probable cause for a search warrant, it does not outline each and every fact that I or others have learned during the course of this investigation. Only the facts believed necessary to establish probable cause. Based on the facts in this affidavit, there is probable cause to believe that the physical locations identified in Attachment A contain a “person to be arrested”, identified as Shermaine **CHILDRESS (“Subject 1”)**, who is subject to an arrest warrant for violations of 18 USC § 922.

4. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711, 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is a district court of the United States Southern District that has jurisdiction over the offense being investigated. 18 U.S.C. § 2711(3)(A)(i).

“PERSON TO BE ARRESTED” SHERMAINE CHILDRESS

5. **Subject 1** was indicted for violations of 18 USC § 922, on October 12, 2022, and is the subject of an arrest warrant for such, subsequently ordered by United States Magistrate Judge Sam S. Sheldon.

ATTEMPTS TO LOCATE SHERMAINE CHILDRESS

6. On December 07, 2022, FBI, Special Agent Joseph T. Oppedisano (“SA Oppedisano”) conducted surveillance at 8810 Lar Ree Oaks Circle, Houston, Texas 77028. SA Oppedisano observed no movement of vehicles or people coming from the location. SA Oppedisano spoke with the United States Postal Service mail courier who confirmed that **Subject 1** has mail being delivered to the above listed address. Harris County Appraisal District listed the above property owner as CAMILLO ML 2022 DD SFR, LLC.

7. On December 09, 2022, FBI, SA Oppedisano conducted surveillance at 4716 Tronewood Street, Houston, Texas 77016. SA Oppedisano observed no movement of vehicles or people coming from the location. Harris County Appraisal District listed the above property owner as RAUL LOPEZ.

8. On December 09, 2022, FBI, SA Oppedisano contacted the Harris County District Attorney’s Office (“HCDAO”) to confirm **Subject 1’s** condition of release for the state charge of Felon in Possession that occurred on March 05, 2021. HCDAO confirmed that **Subject 1** is on twenty-four-hour home confinement until his trial date or disposition of his case, he is monitored

by an ankle device. Pre-Trial Services and a third-party contractor monitor the ankle device. HCDAO confirmed that **Subject 1** has not broken his conditions of release and is residing at 310 Berry Road, Unit 1007, Houston Texas 77022.

9. On December 13, 2022, FBI, SA Oppedisano conducted an in-person interview with the Assistant Manager (“Witness 1”) of Oak Arbor Townhomes located at 310 Berry Road, Houston, Texas 77022. Witness 1 identified **Subject 1** by photograph. Witness 1 stated that Subject 1 resides in unit 1007 with his sister Mykeshia N. Childress (“M. Childress”) and her children. Witness 1 confirmed that M. Childress is the lease holder. Witness 1 has observed **Subject 1** standing outside unit 1007 smoking cigarettes. Witness also observed Subject 1 wearing what he/she believes as an ankle monitor.

10. Based on the facts listed herein, I have reason to believe and do believe that Shermaine **CHILDRESS** is currently residing at 310 Berry Road, Unit 1007, Houston, Texas 77022 and am requesting a warrant authorizing a search of the residence.

MANNER IN WHICH SEARCH WARRANTS WILL BE SERVED

11. I am not aware of any information which leads me to believe that compliance with the “knock and announce” rule, pursuant to 18 U.S.C. §3109, would be dangerous, futile or destructive to the investigation and am *not* requesting any approval to modify those procedures. Furthermore, I am not aware of any information suggesting nighttime service of this warrant is appropriate and intend to serve execute during the regularly approved timeframe.

12. FBI agents along with Officers of the Houston Police Department, who will be clearly identifiable as law enforcement agents, will serve this warrant.

CONCLUSION

13. Based on the information above, there is probable cause to believe that a “person

to be arrested", identified as Shermaine **CHILDRESS** will be found at the location more fully described in Attachment A.

Respectfully submitted,

Joseph T. Oppedisano
Joseph T. Oppedisano
Special Agent
Federal Bureau of Investigation

Electronically submitted and telephonically sworn on the 3rd day of January 2023 and I find probable cause..

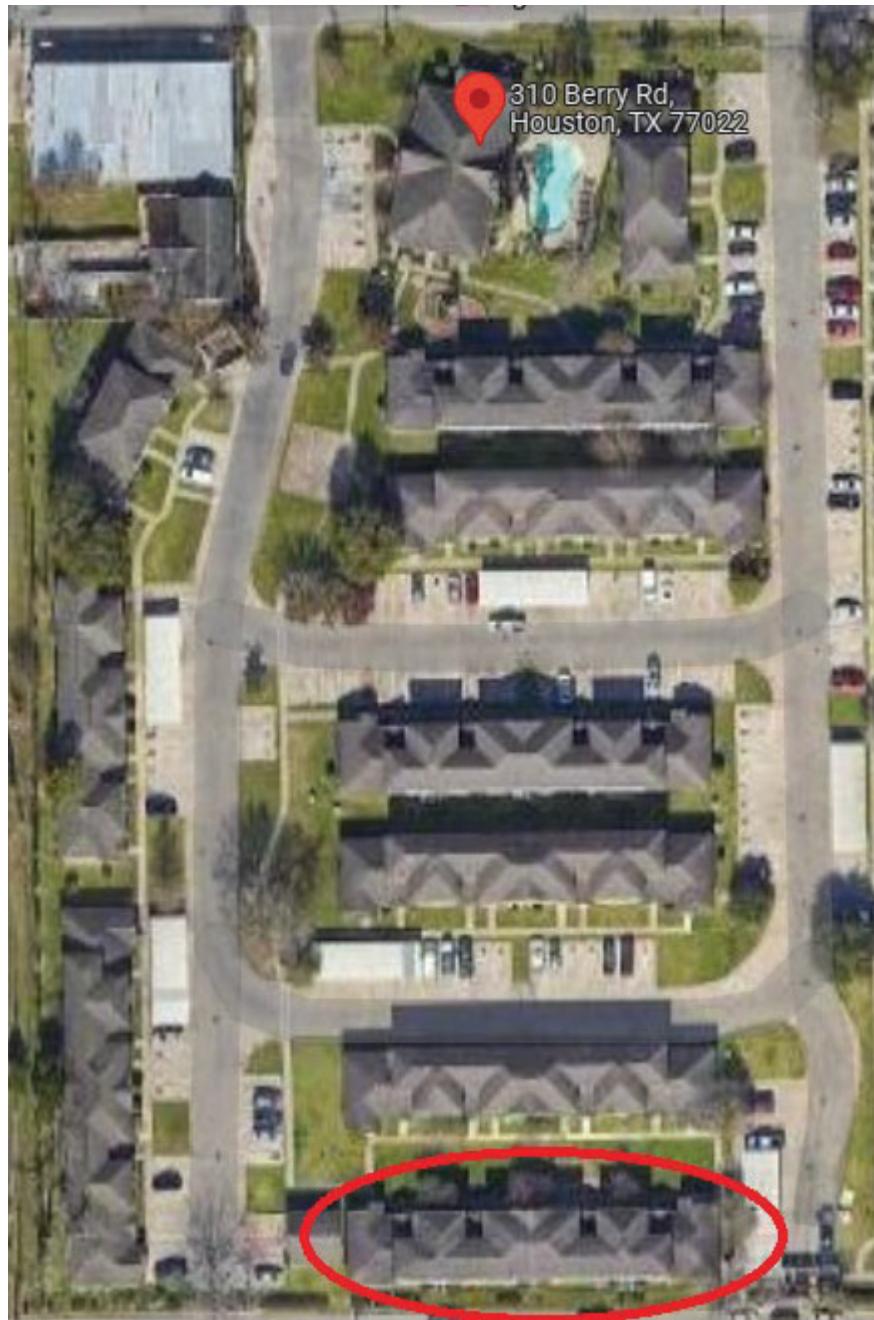
THE HONORABLE DENA PALERMO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF TEXAS

ATTACHMENT A

DESCRIPTION OF SUBJECT PREMISES

1. 310 Berry Road, Unit 1007 is a Townhome that is located on the back part of the complex which backs up to the Village Park North Apartments. The front door of is red in color with the numbers “1007”. The numbers are located at the top middle portion of the front door. The Townhome and its location are further depicted below:





ATTACHMENT B
ITEMS TO BE SEIZED

A “person to be arrested”, identified as Shermaine **CHILDRESS**.